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PTO/SB/21 (08-00)

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number 10/062,857

Filing Date October 25, 2001

First Named Inventor Mark G. ERLANDER

Group Art Unit 1637

Examiner Name Shar S. Hashemi

Total Number of Pages in This Submission

3

Attorney Docket Number 485772002900

ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment/Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Assignment Papers (for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ After Allowance Communication to Group

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify below)

Micellaneous Communication (2 pages)
Return Receipt Postcard

Remarks



25225

PATENT, TRADEMARK OFFICE

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name

MORRISON & FOERSTER LLP
Kawai Lau - 44,461

Signature

Date

May 9, 2003

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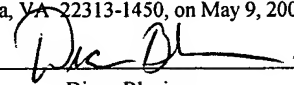
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PATENT
Docket No.485772002900

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MAY 15 2003

In the Patent of:

Mark G. ERLANDER and Ranelle C.
SALUNGA

Serial No.: 10/062,857

Filing Date: October 25, 2001

For: NUCLEIC ACID AMPLIFICATION

Examiner: Shar S. Hashemi

TECH CENTER 1800/2000

Group Art Unit: 1637

MISCELLANEOUS COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The above identified non-provisional application was filed as PCT application number PCT/US01/50340 with the U.S. Patent and Trademark Office (USPTO) on 21 December 2001. The PCT application claimed benefit of priority from the above identified non-provisional application as well as the provisional applications from which the above non-provisional application claims benefit of priority.

The filing of the PCT with the USPTO on 21 December 2001 provided, and is considered, notice of a subsequent foreign or International filing of the above identified non-provisional application as required by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c).


Moreover, Applicants were not in possession of the serial number for the above non-provisional application in a timely manner. Due to the events following September 11, 2001, the above non-provisional application was delivered by the U.S. Postal Service Express Mail service on February 4, 2002 despite having been mailed on October 25, 2001. The U.S. Patent and

Trademark Office sent the return receipt postcard accompanying the above application on or after February 4, 2002 such that the serial number was received by Applicants representatives on 21 February 2001. Therefore, Applicants could not provide notice in the above application (in the absence of the serial number) within 45 days of 21 December 2001 as required by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c).

A Request to Rescind Previous Nonpublication Request under 35 U.S.C. § 122(b)(2)(B)(ii) was previously filed in the above non-provisional application on April 11, 2002. The filing of the Request was delayed because of the need to await the serial number as noted above.

Dated: May 9, 2003

Respectfully submitted,

By: 
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